

Chatham Protective Zoning Bylaw Executive Summary

Public Forum Handout July and August 2006

Background

The July 3, 2006 draft revised Protective Zoning Bylaw represents two and one half years of effort by the Chatham Planning Board and over sixty-five Planning Board and Zoning Subcommittee Meetings. The draft is intended as the basis of discussion for the three public zoning review forums scheduled for July and August of 2006. The comments received orally and in writing during the forums will be used by the Chatham Planning Board to make alterations to the draft prior to any formal recommendation to amend the Protective Zoning Bylaw.

Key Points

- **Creation of Neighborhood Center Zoning as the basis of commercial activity along Route 28, and the removal of the potential for an almost continuous commercial strip along Route 28.**
- **Augmented site plan review and environmental based development regulations.**
- **Maintenance of the existing residential zoning districts, and the removal of single family to multi-family conversion capability.**
- **Reorganization of permitting; Special Permits for non-conforming use and variances with the Board of Appeals; and Site Plan and Special Permits for use to reside with the Planning Board.**
- **Revised regulations relative to non-conformance, and the removal of certain exemptions for non-conforming lots.**
- **Comprehensive revision to format and numerous amendments and additions to definitions.**

Key Points Expanded

- **A major change is proposed for the Business Districts.** Currently there are four (4) Business Districts; Small Business (SB) and General Business 1, 2 and 3. The draft proposes seven (7) distinct business districts, each designed either as a Neighborhood Center District or Business District serving the operational and design needs of various neighborhoods in the community. In addition, the concept of scale has been introduced in the Neighborhood Center Districts through the inclusion of maximum building size for certain commercial uses, such as restaurants.

The concept of mixed use, residential uses above commercial uses has been more sharply defined in the draft and mixed use is allowed in all Neighborhood Center Districts and Business Districts but is constrained by building size and parking requirements. Essentially, the scale of existing mixed use in the existing Business Districts has been maintained, but made an explicit use by right or by special permit depending on the zoning district in question.

- **Site Plan Review** has been completely reorganized and now contains explicit operational and environmental criteria. Further, Site Plan Review has been proposed to include an abbreviated site plan process, a considerably less time consuming process for projects or alterations less than 400 square feet. To compliment Site Plan Review, **a new Land Clearance and Grading section** has been recommended for inclusion (see Section 6.A). All existing environmental overlay districts have been reviewed and updated by appropriate Town staff.
- **The number and type of Residential Districts has remained the same**, but the draft does recommend removing the current Small Business district in its entirety. As a result, the total area currently zoned for business use in Chatham will be significantly contracted, particularly in South Chatham. In its place will be additional residential zoning, mostly Residential 20. While the change removes commercial capacity along some portions Route 28 the residential capacity remains the same since the existing Small Business District allows single family homes.
- **Permit granting authority for use special permits has been assigned to the Planning Board**, such that site plan and special permits for use will be considered by one board and not split between the Planning Board and Board of Appeals. The non-conforming use special permits remain with the Board of Appeals (the vast majority of special permits considered by the Town). Further, the Board of Appeals maintains authority over all variances.

- **The non-conforming regulations** now classify one type of expansion of a non conforming building as a variance. Further, the exemption language found in Section V.D.4. and Section V.D.5. of the current zoning bylaw has been removed since they were considered no longer relevant or appropriate.
- **In terms of format the proposed draft is distinctly different than the current bylaw**, but it does retain one key feature, specifically the zoning districts are presented in Section 3.0 of the draft in narrative form. The Table of Use Reference Matrix provided at the rear of the draft is for general reference purposes only; the specific criteria for use for each district are found in Section 3.
- **Height of buildings** remains at 30 feet but in a few instances, most notably in the R60 district, the maximum size of a residential structure has been reduced from 12,000 square feet to 9,600 square feet. **Parking regulations** have been updated but the key change is a parking exemption for the first 5,000 square feet of commercial development in the Downtown Business District. This recommendation was made not only to recognize the reality of the land use pattern in Downtown Chatham, but to provide an incentive for small locally oriented business to remain viable.

Numerous additions and alterations to the **Definitions (Section 8)** have been made, the objective being to define all use and regulatory terms used in the text and to remove any archaic terminology.

Highlights by Section

Section 1.0. General Provisions.

This section establishes the **general purposes and intent of the bylaw**. Language referencing the 2003 Comprehensive Plan has been added.

(Please see Section I "General Provisions" of current zoning bylaw for comparison purposes)

Section 2.0. Basic Requirements All Districts

Regulations that are applicable for all districts are contained in this Section and exempt uses are specifically listed in Section 2.B. Section 2.D. is the location of the non-conforming regulations; please see Section 2.D.6. for details regarding when an application for a special permit finding by the Board of Appeals may be considered a variance.

The basic requirements for Accessory Uses (Section 2.E.) are provided along with detail as to residential and non-residential accessory use. Further, item 2.E.4. "Scientific Research" has been added to bring the bylaw into conformity with current practices statewide.

(Please see Section V "Non-conforming Lots, Buildings and Uses" of current zoning bylaw for comparison of the non-conforming regulations)

Section 3.0. Use Regulations

This section establishes **the uses by right and by special permit for all the zoning districts**, and as applicable delineates the maximum size of uses by right or special permit. For example, in the West Chatham Neighborhood District, restaurants are permitted by special permit but cannot exceed 7,500 gross square feet in total area.

The reader will note that the permitted uses and special permit uses for the new Crowell Road Neighborhood Center and all other proposed Neighborhood Centers are included in this Section. Further, the Open Space District, the proposed new name of the current Municipal/ Conservancy District, is also part of this section.

Section 3.N. describes the special regulations as they pertain to residential uses, such as congregate residence, dwelling in a mixed use building, dwelling incidental to a commercial or industrial use, and two family dwellings. (Please note: the ability to convert a one family to a multi-family dwelling has been removed.)

Regulations for Senior Housing is contained in Section 3.N.5; and in Section 3.N.6. **Boarding or Rooming House and Bed and Breakfast** are treated as principal uses allowed by special permit with the use-specific special permit conditions included.

In Section 3.O. the reader will find **regulations pertaining to guest houses and home occupations as accessory uses.** In both instances, the draft has reduced the scale of said accessory uses. In the case of home occupations only one employee other than members of the resident family is permitted in a Residential District (two in current Zoning Bylaw).

The term fishing use has been split into two use terms i.e., **Accessory Maritime Use** and **Maritime Commercial.** Accessory maritime allows for the storage of up to three boats on residential premises including maritime related equipment stored in accessory buildings. Maritime Commercial connotes commercial activities such as the processing and purification of seafoods, and said uses are would be permitted in the Industrial District.

Affordable Accessory Apartments are made part of Section 3 because they are included with all other accessory uses. However, Inclusionary Housing can be found in Section 6.F. since it is a town wide Development Regulation.

Adult Uses are found in Section 3.Q. “Special Regulations for Other Uses.” Essentially, adult uses would be permitted by special permit in the Industrial District and at least 300 feet away from the uses listed in Section 3.Q. page 3-25 item b.
(Please see Section III “District Regulations” and Section VII “Special Regulations” of current zoning bylaw for comparison)

Section 4. Dimensional and Density Regulations.

The Dimensional Table associated with this use is found at the rear of the document after Page 8-14. This is not the permanent location and for the final proposal it will be integrated into the appropriate section.

The height of buildings received considerable discussion during the past 30 months but no changes are recommended. While no departure from current policies is recommended a number of language changes have been made to certain items; such as panhandle lots, accessory buildings and structures and roof mechanicals (Section 4B).
(Please see Section III. D. “District Area Regulations” of the current zoning bylaw for comparison)

Section 5. Overlay Districts

The Conservancy District, Flood Plain and Water Resource Protection District regulations are found in this section. A number of changes were made in terms of updating map citations. This section was reviewed by the Town’s Conservation staff and their amendments were recommended by the Zoning Subcommittee.
(Please see Section IV “Overlay Regulations” of the current zoning bylaw for comparison)

Section 6. Development Regulations

This section combines all regulations that pertain to development in all districts.

New regulations controlling land clearing and grading are found in Section 6.A.; a revised site plan review and the new abbreviated site plan review are found in Sections 6.B. and 6.C., respectively. Section 6.D. concerns off-street parking, and while some changes have been suggested the major change is the parking exemption in the Downtown Business District for the first 5,000 square feet of gross floor area.

Open Space Residential Development (OSRD) has been amended to permit lots of 40,000 sq. ft and more to be considered for OSRD design. The density remains the same, with the requirement the number of OSRD lots cannot exceed what would be achieved under traditional subdivision. The changes are suggested because the existing standards essentially make the OSRD special permit moot and not available as an alternative to traditional residential subdivision.

The current Town General Bylaw regulating signs has been included as part of zoning and has been placed as shown as Section G.

(Please see Section VI “Supplementary Regulations” of the current zoning bylaw for comparison)

Section 7. Administration

This section establishes building and special permit permitting procedures. The major difference from the existing procedure is that Special Permits for use are assigned to the Planning Board. Accordingly, when an application for a special permit for use comes before the Planning Board it will be reviewed simultaneously with the Site Plan regulations. Special permits relative to non-conformance and variances remain with the Board of Appeals.

(Please see Section VIII “Administration” of the current zoning bylaw for comparison)

Section 8. Definitions

This section contains **the recommended definitions** as applicable to the Protective Zoning Bylaw. In some instances they are simple definitions of terms but with others they add a degree of detail or specificity to the use or activity being described as it pertains to the Town of Chatham

(Please see Section II “Definitions” of the current zoning bylaw for comparison)

The above outline is intended to provide a general review guide for the citizen and or business owner who is reviewing the proposed changes for the first time. All issues cannot and are not intended to be addressed in this summary. The Public Forums in July and August will surely provide further detail as will the subsequent Planning Board deliberations and the eventual public hearings. However, at any point in the process the Planning Board welcomes written comment.